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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,845	03/09/2001	Tomoyuki Hamada	500.39831X00	6289

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EXAMINER

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,845

Applicant(s)

HAMADA, TOMOYUKI

Examiner

Michael J Fisher

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Mw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 5,987,474 to Sandifer.

As to claim 1, Sandifer discloses a support system for maintenance contract of equipment (title), with input means for inputting information (claim 1), which information includes the equipment's specifications (table in cols 78-79,81-84), a database containing recorded information about the specification of the equipment (table in cols 78-79,81-84), maintenance plans set up means for selecting the interval between replacement of parts of the equipment (table in cols 78-79,81-84, under the heading, "Compliance Event File Structure"), display means (14), which would display the information in the table in cols 78-79,81-84.

Sandifer does not, however, teach using the system for elevators. Sandifer does teach using the system for aircraft maintenance. It would have been obvious to one of ordinary skill in the art to use the system as disclosed by Sandifer for elevators as both elevators and airplanes have regulatory, scheduled maintenance as required by law and Sandifer discloses this method as being useful for such maintenance schedules (col 76, lines 22-27).

As to claim 2, Sandifer discloses accumulating information about the use of the equipment (table under "AMIS Electronic Logbook" in col 81), a numeric value for representing the frequency of use (table in cols 81-82 under "Definition"), a maintenance plan for the equipment (as required by law, as is the case in elevators as well), load predicting means (table under "AMIS Electronic Logbook" in col 81), which would include the frequency of use (Hours Aircraft under "Frequency Types" in col 81).

As to claim 3, Sandifer further discloses running record storage for storing information about the equipment (Claim 1), input means (computer in fig 1A) which is used to enter a customer ID (table in col 78 under "Registratin (sic) Number or user identity"), load computing means for invoking the running record about the equipment (table in cols 78-79,81-84), a maintenance plan computing database (claim 1), maintenance plan computing means for selecting the interval between replacements (col 81, table under "AMIS Electronic Logbook" display means (computer in fig 1A) that displays the interval between replacements (table in col 81 "AMIS Electronic Logbook").

Sandifer does not, however, teach using the system for elevators. Sandifer does teach using the system for aircraft maintenance. It would have been obvious to one of

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ordinary skill in the art to use the system as disclosed by Sandifer for elevators as both elevators and airplanes have regulatory, scheduled maintenance as required by law and Sandifer discloses this method as being useful for such maintenance schedules (col 76, lines 22-27).

As to claims 4 and 5, it is very well known in the art to charge a 'tariff' for replacement of parts (fee or 'repair cost'). While Sandifer does not specifically mention charging for maintenance, it would have been obvious to one of ordinary skill in the art to charge for repairs as businesses generally charge for their services.

As to claims 6 and 7, Sandifer discloses using a CD-Rom for the system (col 3, lines 30-35). It is very well known in the art for computers to be connected to the Internet. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Sandifer by placing the system on the Internet, and using a homepage, to allow for disparate users to use the system from different locations.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAT 6,110,214 to Klimasauskas, Klimasauskas discloses an analyzer for optimizing maintenance operations using a computer, US PAT 6,192,325 to Piety et al., Piety et al. disclose a method for establishing a predictive maintenance database for maintaining equipment, Japanese Patent JP 10059641 A to Hosaka et al., (note, the information on this is taken from the Derwent translation of the abstract as provided) Hosaka et al. teach equipment for maintenance service for elevators.

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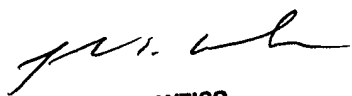
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 703-306-5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF

6/28/04


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